

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	No. 03-10370-DPW
	)	
v.	)	VIOLATIONS:
1. DOUGLAS BANNERMAN,	)	21 U.S.C. § 846 -
2. KURT WALTER,	)	Conspiracy to Possess
(a/k/a "Cort")	)	With Intent to Distribute
3. GARY NEWELL,	)	And to Distribute Marijuana
4. DANIEL MACAULEY,	)	
5. JOHN MCCARTHY,	)	
6. JOHN GRAHAM,	)	
(a/k/a "JG" or "G-Man"),	)	
7. SCOTT MYERS,	)	
8. JOSE VEZGA, and	)	
9. FRANK GIGLIO,	)	
	)	
Defendants.	)	

THIRD SUPERSEDING INDICTMENT

COUNT ONE: (21 U.S.C. § 846 - Conspiracy to Possess With Intent To Distribute and to Distribute Marijuana)

The Grand Jury charges that:

From a date unknown to the Grand Jury, but no later than in or about August, 2000, continuing until on or about December 1, 2003, at Boston, Somerville, Cambridge, Rockport, and elsewhere, in the District of Massachusetts, and elsewhere,

**9. FRANK GIGLIO,**

defendant herein, knowingly and intentionally combined, conspired, and agreed with others known and unknown to the Grand Jury, to possess with intent to distribute and to distribute marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).  
^

It is further alleged that the conspiracy involved 100 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance. Accordingly, 21 U.S.C. § 841(b)(1)(B)(vii) is applicable to this count.

All in violation of Title 21, United States Code, Section 846.

**CRIMINAL FORFEITURE ALLEGATION**  
**(21 U.S.C. § 853)**

The Grand Jury further charges that:

1. As a result of committing the offense alleged in Count One of this indictment, in violation of 21 U.S.C. §846 and 841(b)(1)(B) (conspiracy to possess with intent to distribute and to distribute marijuana):

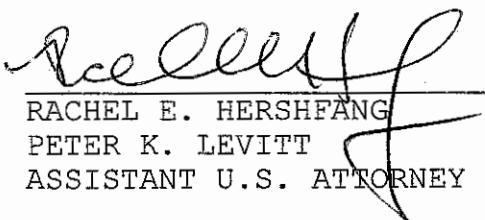
**9. FRANK GIGLIO,**

defendant herein, if convicted, shall forfeit to the United States, pursuant to 21 U.S.C. §853: (1) any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the charged offenses; and (2) any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense.

All in accordance with Title 18, United States Code, Section 853 and Rule 32.2(a), Federal Rules of Criminal Procedure.

A TRUE BILL

  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

  
\_\_\_\_\_  
RACHEL E. HERSHFANG  
PETER K. LEVITT  
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS; September , 2005.

Returned into the District Court by the Grand Jurors and filed.

  
\_\_\_\_\_  
DEPUTY CLERK  
9/8/05  
1:25pm

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**

Place of Offense: Category No. II Investigating Agency DEA

City Boston

**Related Case Information:**

County Suffolk

Superseding Ind./ Inf. X Case No. 03-10370-DPW

Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_

Magistrate Judge Case Number 03-0454-RBC

Search Warrant Case Number 03-0455-61, 0477, 0479-84-RBC

R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**Defendant Name Frank Giglio Juvenile:  Yes  No

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birthdate: \_\_\_\_\_ SS # \_\_\_\_\_ Sex: Male Race: White Nationalit \_\_\_\_\_

Defense Counsel if known: Martin Weinberg Address \_\_\_\_\_

Bar Number \_\_\_\_\_

**U.S. Attorney Information:**

AUSA Rachel E. Hershfang Bar Number if applicable \_\_\_\_\_

Interpreter:  Yes  No List language and/or dialect: \_\_\_\_\_Matter to be SEALED:  Yes  No Warrant Requested  Regular Process In Custody**Location Status:**

Arrest Date \_\_\_\_\_

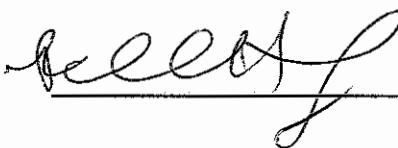
Already in Federal Custody as of \_\_\_\_\_ in \_\_\_\_\_

 Already in State Custody at \_\_\_\_\_  Serving Sentence  Awaiting Trial

X On Pretrial Release: Ordered by: \_\_\_\_\_ on \_\_\_\_\_

Charging Document:  Complaint  Information  IndictmentTotal # of Counts:  Petty \_\_\_\_\_  Misdemeanor \_\_\_\_\_  Felony 1 \_\_\_\_\_

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: September 2005 Signature of AUSA: 

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Frank Giglio

**U.S.C. Citations**

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>21 U.S.C. § 846</u>	Conspiracy to possess with intent to distribute Marijuana	1 _____
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

**ADDITIONAL INFORMATION:** \_\_\_\_\_

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